

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

FEB 17 2012

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2011-0296-PR
	)	DEPARTMENT A
Respondent,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
GREGORY ALLEN BEVEL,	)	the Supreme Court
	)	
Petitioner.	)	
_____	)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20011537

Honorable Howard Fell, Judge Pro Tempore

REVIEW GRANTED; RELIEF DENIED

Gregory A. Bevel

Florence  
In Propria Persona

B R A M M E R, Judge.

¶1 Pursuant to a plea agreement, petitioner Gregory Bevel was convicted of sexual conduct with a minor, a dangerous crime against children committed in 2001, and sexual conduct with a minor in the second degree, a preparatory dangerous crime against children committed in 1999. In 2002, the trial court sentenced him to an aggravated, twenty-five-year sentence on the first count, and suspended the imposition of sentence

and placed him on lifetime probation on the second count, to commence after Bevel completes his prison sentence.

¶2 In April 2010, Bevel filed a pro se notice of post-conviction relief pursuant to Rule 32, Ariz. R. Crim. P., and the trial court appointed counsel to represent him. After appointed counsel filed a notice advising the court she had reviewed the record and had been “unable to find any ripe claims to raise in Rule 32 post-conviction proceedings,” the court granted Bevel an extension to prepare a pro se petition. Bevel now seeks review of the court’s denial of that petition, and its denial of his motion for reconsideration<sup>1</sup> of that ruling. Absent a clear abuse of discretion, we will not disturb the trial court’s ruling on post-conviction relief. *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). We find no such abuse here.

¶3 In his pro se petition for review, Bevel argues, as he did below, that his aggravated sentence violated the rules announced in *Blakely v. Washington*, 542 U.S. 296 (2004); trial counsel was ineffective; his plea was not knowing, voluntary or intelligent; his sentence is cruel and unusual, and disproportionate to the crimes; and, the possible punishment he will receive if he violates his probation is illegal pursuant to *State v. Gonzalez*, 216 Ariz. 11, 162 P.3d 650 (App. 2007). Bevel also argues the trial court erred in failing to conduct an evidentiary hearing before denying his petition below.

¶4 In a thorough, well-reasoned minute entry order, the trial court identified all of the claims Bevel had raised, and resolved them correctly and in a manner permitting

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<sup>1</sup>We construe this as a motion for rehearing pursuant to Rule 32.9(a), Ariz. R. Crim. P.

this court to review and determine the propriety of that order. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993). The court correctly concluded the claims raised either were precluded or without merit pursuant to Rules 32.1 and 32.2. No purpose would be served by reiterating the court's ruling in its entirety. *See Whipple*, 177 Ariz. at 274, 866 P.2d at 1360. Rather, we adopt the court's ruling.

¶5 Because Bevel has not sustained his burden on review of establishing the trial court abused its discretion in denying his petition for post-conviction relief, we grant the petition for review, but deny relief.

/s/ J. William Brammer, Jr.

J. WILLIAM BRAMMER, JR., Judge

CONCURRING:

/s/ Joseph W. Howard

JOSEPH W. HOWARD, Chief Judge

/s/ Peter J. Eckerstrom

PETER J. ECKERSTROM, Presiding Judge